

### REMARKS

Applicants thank the Examiner for the telephonic interview of March 28, 2005. The Applicants's agent discussed whether claims 39 and 40 have identical scope and pointed out the Applicants have previously removed the Hahm et al. reference. These points are elaborated below.

Claims 43-45 are new. Support for claim 43 can be found, e.g., at page 4, line 25; for claims 44 and 45, e.g., at 5, line 5.

#### Indefiniteness

Claim 41 has been amended to recite a temperature as requested by the Examiner. However, Applicants disagree with the substance of the Examiner's rejection. One skilled in the art would recognize, e.g., by reading *Current Protocols in Molecular Biology*, as cited in the specification, the appropriate temperatures for high stringency hybridization.

#### Double Patenting

The Applicants disagree that the scope of claims 39 and 40 are identical. However, after entry of the Amendment, claim 39 is a method claim, rather than a composition claim, and therefore is even more distinguishable in scope than claim 40 (a composition claim). Note that the method of claim 39, like the method of claim 38, relates to a method of producing a polypeptide encoded by a nucleic acid, and therefore should be examined with the current claims.

#### 102 Rejection

Hahm et al. is not available as prior art under § 102(a) at least in view of the Declaration under Rule 1.131 submitted on September 29, 2000, and accepted by the Examiner in the Action dated January 5, 2001 (see, e.g., page 12). Nor do Applicants concede to the substance of the rejection in view of Hahm et al.

Information Disclosure Statement

The Applicants previously filed an Information Disclosure Statement on May 7, 2002. However, the Applicants have not received back an initialed copy of the PTO-1449 form that was mailed with the Statement. An additional copy is enclosed. Please consider that statement and return an initialed copy of this form with the next communication.

Conclusion

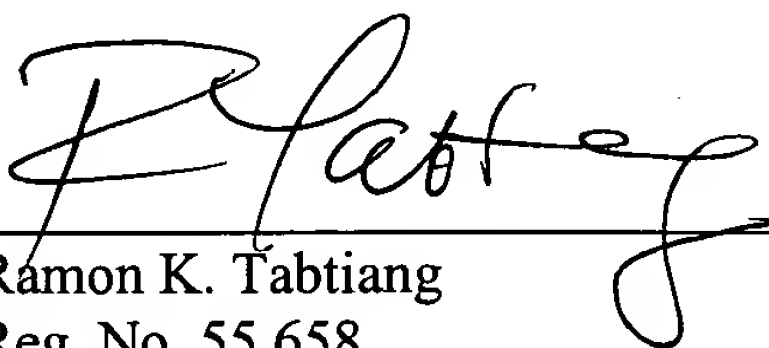
The Applicants respectfully submit that all claims are in condition for allowance, which action is expeditiously requested. The Applicants do not concede any positions of the Examiner that are not expressly addressed above, nor do the Applicants concede that there are not other good reasons for patentability of the presented claims or other claims. In addition, the Applicants take no position as to the merits of the Conclusions on page 5 of the most recent action since the Applicants were unable to identify the "homology search results" mentioned in the action. Moreover, as Hahm et al. is not available as prior art, the statements made in view of Hahm et al. should be withdrawn.

All amendments and cancellations are made without prejudice and disclaimer and may be made for reasons not explicitly stated or for reasons in addition to ones stated.

Please apply any charges or credits to deposit account 06-1050. If the prosecution would be facilitated by a telephonic discussion, please call the undersigned at 617-521-7017.

Respectfully submitted,

Date: 30 March 2005

  
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